

**BOARD OF SUPERVISORS**

**GILA COUNTY, ARIZONA**

Date: January 18, 2005

**JOSÉ M. SANCHEZ**

Chairman

**JOHN F. NELSON**

Clerk of the Board

**TOMMIE C. MARTIN**

Vice-Chairman

By: Marilyn Brewer

Deputy Clerk

**SHIRLEY L. DAWSON**

Member

Gila County Courthouse  
Globe, Arizona

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PRESENT: José M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; John F. Nelson, County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 2<sup>nd</sup> Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Vice-Chairman Martin led the Pledge of Allegiance and Envoi Bruce Rogers of the Salvation Army delivered the Invocation.

Honorable Robert Duber II, Presiding Judge of the Superior Court, speaking on behalf of Dr. Hellen Carter, Director of Probation Services, who was unable to attend the meeting because of an injury, gave special recognition to Mr. David Franquero, Deputy Probation Officer I, who was nominated by his peers and named State Peace Officer of the Year for 2004. Mr. Franquero stated he was grateful to receive the award and thanked Dr. Carter and his colleagues for their support and assistance. Each Board member congratulated Mr. Franquero and thanked him for working with young people by providing probation and counseling services and teaching related classes in the Globe School District. Supervisor Dawson inquired whether Mr. Franquero could provide services for the San Carlos School District. Mr. Franquero replied that the program for Globe Schools is operated on a grant from the

State which only allows him to operate within the Globe School District. He advised that the San Carlos School District could apply for grant funds through the Arizona Department of Education in order to implement a similar program.

A public hearing was held at 10:15 a.m. to adopt Resolution No. 05-01-01 authorizing the transfer of a cable television system franchise license from Eagle West, LLC to Eagle West Communications, Inc. and authorizing the Chairman's signature on a 15-year renewal License being issued to Eagle West Communications, Inc. Marian Sheppard, Chief Deputy Clerk, presented background information to the Board and stated that she received a letter on behalf of both companies requesting the transfer of the cable television system franchise license, as well as a request to extend the license for fifteen years. Ms. Sheppard advised that the Board of Supervisors adopted Resolution No. 01-08-06 in 2001 which established regulations and procedures for the issuance of cable television system franchise licenses. She stated that the public hearing notice was advertised in the official newspaper of the County, the Arizona Silver Belt, on December 15<sup>th</sup>, 22<sup>nd</sup> and 29<sup>th</sup> of 2004, as well as in the Payson Roundup on December 28, 2004, and January 4, 2005. She also stated that a \$200.00 application fee and a \$350.00 renewal fee were submitted by Eagle West Communications, Inc. along with a certificate of liability insurance which is valid through August 26, 2005. In conclusion, Ms. Sheppard stated that to date she has received no public comment opposing this requested action. Ms. Sheppard then introduced Ernest McKay, Vice-President of Operations for Eagle West Communications, Inc. Mr. McKay briefly addressed the Board and advised that Eagle West Communications, Inc. will continue to service the same areas previously serviced by Eagle West, LLC to include the areas in and around Bear Flats, Christopher Creek, Saddle Mountain, Kohl's Ranch, Thompson Draw and Tonto Village. He stated the company is working at rebuilding systems to provide competitive service. Chairman Sanchez inquired if the Eagle West Communications, Inc. corporate office is located in Mesa, Arizona. Mr. McKay replied in the affirmative.

Chairman Sanchez asked for public comment; none was offered. Chairman Sanchez closed the public hearing and asked for a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 05-01-01 authorizing the transfer of a cable television system franchise license from Eagle West, LLC to Eagle West Communications, Inc. and authorized the Chairman's signature on a 15-year, renewal License being issued to Eagle West Communications, Inc. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

In addressing Agenda item number 4, Chairman Sanchez stated that a sealed bid was submitted for the purchase of tax parcel number 101-12-257. Chairman Sanchez called on Ms. Sheppard to speak to the issue. Ms. Sheppard advised that the County's sealed bid process is used to place bids on land located in Gila County that has been deeded to the State of Arizona for non-payment of property taxes. She stated that the County Assessor and County Treasurer reviewed the subject property and they are in favor of selling the property. Ms. Sheppard presented the Board with a map and photographs of the parcel which is located in Winkelman, Arizona. She then opened the sealed bid envelope and read aloud the bid slip which stated that a bid in the amount of \$3001.00 was submitted by Marvin Frank and Patricia Silva Brumley, husband and wife, for the subject parcel of land. Ms. Sheppard advised that the full cash value of the property is \$13,248.00; however, the \$3001.00 will satisfy the lien amount which is also the minimum allowable bid amount. Chairman Sanchez inquired if this was the only bid submitted for the purchase of the subject property and Ms. Sheppard replied in the affirmative. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted the bid of \$3,001.00 from Marvin Frank and Patricia Silva Brumley for the purchase of tax parcel number 101-12-257.

In addressing Agenda item number 5, Chairman Sanchez stated that a sealed bid was submitted for the purchase of tax parcel numbers 207-18-057-A-2 and 207-18-057-B-1, which are owned by the State of Arizona. Chairman

Sanchez called on Marian Sheppard. Ms. Sheppard presented the Board with a map and photographs of the two parcels and stated that the County Assessor and County Treasurer reviewed the subject properties and they are in favor of selling both properties. Ms. Sheppard opened the sealed bid envelope and read aloud the bid slip which stated that a bid in the amount of \$2,308.82 was submitted by Cephus Weatherspoon, Jr. for both parcels of land. Ms. Sheppard stated that the total lien for each parcel is \$1,154.41 (a total of \$2,308.82 for both parcels). Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously accepted the bid of \$2,308.82 from Cephus Weatherspoon, Jr. for the purchase of tax parcel numbers 207-18-057-A-2 and 207-18-057-B-1.

Steve Stratton, Public Works Division Director, requested approval of an Executive Consultant Agreement between Gila County and Ingo Radicke whereby Mr. Radicke will advise on various highway projects in an amount not to exceed \$20,000, not including mileage and travel expenses, for a period of one year commencing January 18, 2005. Mr. Stratton advised that Mr. Radicke served on the Arizona Department of Transportation (ADOT) Board of Directors for six years, and has now been off the Board for one year, which is the legal limit before Mr. Radicke may do any lobbying. He stated that this Agreement will primarily allow Mr. Radicke to lobby the State Transportation Board for projects in Gila County. Mr. Stratton stated that Mr. Radicke has a very good relationship with the ADOT Board as well as knowledge of ADOT options and equipment that is available, which will be valuable information for Gila County. Vice-Chairman Martin stated that she is pleased that Mr. Radicke has agreed to enter into an Agreement with the County. She also stated that a primary focus of the Board and Mr. Radicke will be to request ADOT to commence with the Highway 60 Improvement Project for the construction of a four lane highway from Florence Junction to Superior and ultimately all the way to Globe. Supervisor Dawson stated, *"We do need a bird dog and I'm sure Mr. Radicke has that experience."* Supervisor Dawson also

stated that she had received some phone calls from the public on this item. She advised that Mr. Stratton has affirmed that funds have been budgeted for this expenditure. Supervisor Dawson also reiterated the importance of the proposed Highway 60 Improvement Project. She advised that an analysis conducted of data and information regarding highway funds has shown some problems in the past with proper use of highway funds or with the State Auditor improperly auditing the use of the highways funds. She requested that Mr. Radicke advise the County of proper posting procedures and expenditures. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the Executive Consultant Agreement. Mr. Stratton clarified that Mr. Radicke would be paid per meeting and the amount is "not to exceed" \$20,000. He also stated there are some safety issues that he and Mr. Radicke have been working on, one of which is the railroad bridge on Highway 70 and trying to get that particular area widened, as well as getting the Highway 70/77 intersection redone. Mr. Stratton also clarified this Agreement will be paid with Highway User Revenue Funds and not County General Funds. Chairman Sanchez called on Mr. Radicke for comments. Mr. Radicke stated that he is presently working for Cable One, Inc.; however, he is planning to retire mid-year which will give him more time to spend on County transportation issues. He advised that the Highway 60 Improvement Project will be a long-term project and cannot be done in one year; it is probably ten to fifteen years away from completion and the cost will be approximately \$500 million dollars. Mr. Radicke also provided a brief overview of the various ongoing and future ADOT projects within Gila County.

Mr. Stratton requested the award of a Professional Services Contract to Lima and Associates in the amount of \$165,000 whereby Lima and Associates will conduct the 2005 Gila County Small Area Transportation Study as requested by the Public Works Division and to authorize the Chairman's signature on said Contract. The Study will include all of the unincorporated areas of Gila County to specifically identify all County roads and to determine

which roads will require work in the future. Mr. Stratton also stated that in previous years ADOT funded fifty percent of a contract with the sponsoring entity funding the other fifty percent. In July 2004, ADOT changed its policy to 80% funding; therefore, the County must now fund 20% for this project. Gila County will be required to pay \$33,000 of the \$165,000 for this Contract. This expenditure is included in this year's budget. This Study will assist the County in implementing a capital improvement program, as well as a five-, ten- and twenty-year plan. Mr. Stratton stated this study will be a twelve to eighteen month process. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously awarded a Professional Services Contract to Lima and Associates in the amount of \$165,000.

In addressing agenda item number 8, the Consent Agenda, Supervisor Dawson stated that in reference to item "D" (shown below) she wanted to clarify that the Rapid Response services in the amount of \$2,858,832 is an increase, and that the Set-A-Side funds of \$18,186 is also an increase and not an expense item. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda items A-K, as follows:

- A. Approved the Gila County Emergency Management Homeland Security Intergovernmental Agreement between Gila County, Arizona, and Town of Hayden, Arizona.
- B. Approved a request by the Globe High School Student Council-Junior Class to rent the Fairgrounds Exhibit Hall on April 30, 2005, for the Globe Senior Class Prom.
- C. Approved Amendment No. 10 to Contract No. RSA-E5318042 between the Gila County Division of Health and Community Services and the Arizona Department of Economic Security, Division of Developmentally Disabled and the GEST Program, which extends the Contract to May 31, 2005, in order to continue with the provision of services to the developmentally disabled in Gila County.

- D. Approved Amendment No. 5 to Contract No. E5704004 between the Gila County Division of Health and Community Services and the Arizona Department of Economic Security to provide PY2003 WIA Youth, Adult, Dislocated Worker, and Rapid Response services in the amount of \$2,858,832, which represents an increase of \$18,186 in Set-A-Side funds.
- E. Approved the following Public Works Division policies: Policy No. DPW-05-01 - Directions for Adding to or Revising Policies and Procedures, Policy No. DPW 05-02 - Maintaining Comprehensive Records, and Policy No. DPW 05-03 - Project Completion Inspection and Acceptance Procedure.
- F. Approved the Elections Department to transfer the punch card election equipment to County surplus property.
- G. Approved the appointment of Douglas A. Richardson as a precinct committeeman to the Gila County Democratic Party.
- H. Approved the December 2004 monthly departmental activity reports submitted by the Payson and Globe Regional Justices of the Peace, Payson and Globe Regional Constables, and the Clerk of the Superior Court.
- I. Approved the minutes of the following Board of Supervisors' meetings: January 3, 2005, Special Session; January 4, 2005, Regular Session; and, January 4, 2005, Emergency Session.
- J. Approval of finance reports/demands/transfers for the weeks of January 10, 2005, and January 17, 2005, as follows:

**January 10, 2005:**

\$738,031.26 was disbursed for County expenses by voucher numbers X143397 through X143402, X143404 through X143482, X143484 through X143488, and X362294 through X362527. The hand-issued warrants listing is as follows: voucher number X362293 in the amount of \$1,000.00.

**January 17, 2005:**

\$545,769.01 was disbursed for County expenses by voucher numbers X143489 through X143553, X143555, X361530 through X362731, X362733 through X362837, X362838 through X362851 (on separate

sheets), X362852 through X362875, X362876 through X362916 (on separate sheets) and X362917. The hand-issued warrants listing is as follows: voucher number X362838 in the amount of \$600.00.

- K. Approval of personnel reports/actions for the weeks of January 10, 2005, and January 17, 2005, as follows:

**January 10, 2005:**

Departure from County Service:

1. Laborer – Constituent Services II – 12-31-04 – Constituent Services Fund  
Jason Encizo – Hire 10-07-02 – Resigned for other employment
2. Laborer – Constituent Services II – 01-14-05 – Constituent Services Fund  
Vernon Davis – Temporary position
3. Building Maintenance Tech. – Facilities Management – 12-23-04 –  
Internal Services Fund – David Membrila – Hire 08-01-01 –  
Abandonment of position

Hire to County Service:

4. Bldg. Maintenance Tech. II – Facilities Management – 01-10-05 – Internal  
Services Fund – Marco Lopez – fills position vacated by Johnny Navarro
5. Road Maintenance Worker II – Payson Consolidated Roads – 01-18-05 –  
Road Fund – David Baker – fills position vacated by Anthony Quill
6. Finance Director – Finance – 01-10-05 – General Fund – Richard  
Gaona – fills position vacated by Dave Patterson

Temporary Hire to County Service:

7. Consultant – Clerk of Superior Court – 01-01-05 – General Fund -  
Margaret Toot
8. Building Maintenance Tech. – Facilities Management – 01-06-05 –  
Internal Services Fund – Osvaldo Ramirez

Departmental Transfer:

9. Chief Deputy to Clerk of Superior Court – Clerk of Superior Court – 01-  
01-05 – General Fund – Anita Escobedo – Appointment by Governor  
Janet Napolitano



10. Court Clerk Services Administrator to Chief Deputy – Clerk of Superior Court – 01-01-05 – General Fund – Vicki Aguilar

End Probationary Period:

11. Court Clerk – Payson Regional Justice Court – 01-10-05 – General Fund  
- Andrea Graham
12. Legal Secretary I – County Attorney – 01-17-05 – General Fund -  
Dawne Hayman

Position Review:

13. Reclassification – Bldg. & Zoning Inspector I to II – Community Development – 01-10-05 – General Fund – Mark Kaufman – Meets certification requirements for Level II
14. Change fund code – Sanitarian II – Health Services – 01-10-05 – Health Services Fund – Svanhildur Jones
15. Anniversary Date Increase – 12-17-04 – Max Coombs, Eleanor Pastor
16. Anniversary Date Increase – 01-10-05 – Harold Rubke
17. Anniversary Date Increase plus 2.5% increase for increased workload – Legal Secretary IV – County Attorney – 12-27-04 – General Fund – Donna Puhara

**SHERIFF'S PERSONNEL ACTION ITEMS**

Departure from County Service:

18. Deputy Sheriff – Payson S.O. – 01-17-05 – General Fund -  
Ken Wortman – Hire 05-11-87 – Resigned for other employment

**JANUARY 17, 2005:**

Departure from County Service:

1. Juvenile Detention Officer I – Probation – 01-04-05 – General Fund  
Charles Roten – Hire 08-25-04 – Resigned – reason unknown
2. Landfill Equipment Operator I – Solid Waste Management – 01-10-05 – Enterprise Fund – William Seeley – Hire 04-19-04 – Separated without prejudice

Hire to County Service:

3. Director of Nutrition Services – Health – 01-24-05 – Grant Fund -  
Rosemary Rooney
4. Legal Secretary I – County Attorney – 01-10-05 – General Fund -  
Shelley Reynolds
5. Assessor’s Aide – Assessor – 01-10-05 – General Fund -  
Patricia Saunders
6. Laborer – Constituent Services II – 01-18-05 – Constituent Services II  
Fund - John Sanchez

Temporary Hire to County Service:

7. Laborer – Constituent Services II – 01-18-05 – Constituent Services II  
Fund - David Hernandez
8. Laborer – Constituent Services II – 01-18-05 – Constituent Services II  
Fund - Tony Guerrero

Departmental Transfer:

9. Legal Secretary II to Assistant to Office Manager – County Attorney – 01-  
10-05 – General Fund – Misty Spitler

End Probationary Period:

10. Legal Secretary I – County Attorney – 01-24-05 – General Fund -  
Amie Todd
11. Clerk III – Recorder – 01-10-05 – General Fund - Erin Bellah
12. Clerk II – Recorder – 01-10-05 – General Fund - Carla Smith
13. Deputy Clerk of the Board of Supervisors – Board of Supervisors –  
01-24-05 – General Fund – Marilyn Brewer

Position Review:

14. Salary Adjustment – Justice of the Peace – Globe Justice Court – 12-27-  
04 – General Fund – Patricia Nolan – adjust bi-weekly amount to provide  
statutory annual salary
15. Salary Adjustment – First Chief Deputy – County Attorney – 01-24-05 –  
General Fund – Patti Wortman – increase based on the statutory  
increase in Elected Official’s salary

16. Salary Adjustment – Second Chief Deputy – County Attorney – 01-24-05  
– General Fund – Bryan Chambers – increase based on the statutory  
increase in Elected Official’s salary
17. Salary Adjustment – Director – Economic Development – 01-10-05 –  
Payson Economic Development Fund – Gerald Scott Flake
18. Reclassification – Legal Secretary II to III – County Attorney – 01-10-05 –  
General Fund – Jessica Cruz – increase according to the established  
reclassification schedule for Legal Secretaries
19. Change in fund codes – Deputy Probation Officer – Probation – 01-10-05  
– State Aide Enhancement Fund to A.I.P.S. Fund – David Jones
20. Change in fund codes – Deputy Probation Officer – Probation – 01-10-05  
– A.I.P.S. Fund to State Aid Enhancement Fund – Keith Van Zile
21. Anniversary Date Increase – 12-27-04 – Larry Dorame
22. Anniversary Date Increase – 01-10-05 – Sadie Tomerlin-Dalton, Gabriel  
Eylicio
23. Anniversary Date Increase – 01-24-05 – Diana Barrett, Patricia Campos,  
Misty Williams, Byron Cotney

Request Permission to Post:

24. Road Maintenance Worker II – Payson Consolidated Roads – position  
vacated by Victor Thompson
25. Building Maintenance Technician – Facilities Maintenance – Globe Jail  
Maintenance – position vacated by David Membrila
26. Landfill Operator I – Buckhead Mesa Landfill – position vacated by  
William Seeley

**SHERIFF’S PERSONNEL ACTION ITEMS**

Departure from County Service:

27. Detention Officer – Globe S.O. – 01-06-05 – General Fund  
Thomas Medina – Hire 12-07-98 – resigned without notice

Position Review:

28. Anniversary Date Increase – 01-24-05 – William Carlson, Johnna Kemper, Charlie Links, Gilbert Olivarez, Barbara Nancarrow, Katherine Tavares

At this time each Board member presented a brief summary of current events as allowed by A.R.S. §38-431.02(K). No action was taken on any items that were presented.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened into Executive Session at 10:53 a.m. to obtain legal advice from the County Attorney's Office in reference to authorizing the Arizona Attorney General to represent Gila County in the following tax court cases:

- a) Qwest Corporation v. Arizona Department of Revenue, et al. Arizona Tax Court No. TX2004-001000 (a new case);
- b) Nextel West Corporation v. Arizona Department of Revenue, et al. Arizona Tax Court No. TX2004-000999; and,
- c) Southwest Gas Corporation v. Arizona Department of Revenue, et al. Arizona Tax Court No. TX2004-000998.

The Board reconvened into Regular Session at 10:58 a.m.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously authorized the Arizona Attorney General to represent Gila County in the three listed tax court cases listed above.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened into Executive Session at 10:59 a.m. to obtain legal advice on a lawsuit with Eastern Arizona College and a proposed settlement conference.

The Board reconvened into Regular Session at 11:28 a.m.

There being no further business to come before the Board of Supervisors, Chairman Sanchez adjourned the meeting at 11:29 a.m.

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José M. Sanchez, Chairman

ATTEST:

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John F. Nelson, County Manager/Clerk